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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 KENNETH COUNTS,

10 Petitioner,

11 vs.

12 DWIGHT NEVEN, et al.,

13 Respondents.
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Case No. 2:11-cv-01571-JAD-GWF

ORDER

15 Petitioner has submitted an *ex parte* motion for appointment of counsel (Dkt. #13) and a
16 motion to appoint counsel (Dkt. #14). Whenever the court determines that the interests of justice so
17 require, counsel may be appointed to any financially eligible person who is seeking habeas corpus
18 relief. 18 U.S.C. § 3006A(a)(2)(B). “[T]he district court must evaluate the likelihood of success on
19 the merits as well as the ability of the petitioner to articulate his claims *pro se* in light of the
20 complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952 (9th Cir. 1983). There is
21 no constitutional right to counsel in federal habeas proceedings. *McCleskey v. Zant*, 499 U.S. 467,
22 495 (1991). The factors to consider are not separate from the underlying claims, but are
23 intrinsically enmeshed with them. *Weygandt*, 718 F.2d at 954. After reviewing the petition, the
24 court finds that appointment of counsel is not warranted.

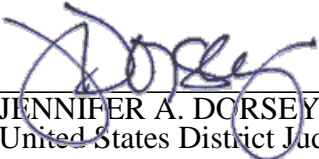
25 Respondents have submitted a motion for enlargement of time (first request) (Dkt. #15),
26 which the court grants.

27 **IT IS THEREFORE ORDERED** that petitioner’s ex parte motion for appointment of
28 counsel (Dkt. #13) is **DENIED**.

1 **IT IS FURTHER ORDERED** that petitioner's motion to appoint counsel (Dkt. #14) is
2 **DENIED.**

3 **IT IS FURTHER ORDERED** that respondents' motion for enlargement of time (first
4 request) (Dkt. #15) is **GRANTED**. Respondents shall have through January 22, 2014, to file and
5 serve an answer or other response to the petition for a writ of habeas corpus.

6 DATED: December 20, 2013.

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JENNIFER A. DORSEY
United States District Judge